

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Chapter 7 Estate of
Bernard L. Madoff,

Plaintiff,

v.

NATIXIS S.A. and TENSYS LTD.,

Defendants.

Adv. Pro. No. 10-05353 (CGM)

**STIPULATION AND ORDER
EXTENDING DEFENDANT'S TIME TO APPEAL**

This Stipulation and Order is entered into by and between plaintiff Irving H. Picard (the "Trustee"), as trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC and the chapter 7 estate of Bernard L. Madoff, and defendant Tensyr Limited (the "Defendant"), by and through their respective undersigned counsel.

RECITALS

1. On April 17, 2023, Defendant filed a motion to dismiss the amended complaint in this adversary proceeding. Motion to Dismiss, *Picard v. Natixis S.A.*, Adv. Pro. No. 10-05353 (CGM) (Bankr. S.D.N.Y. Apr. 17, 2023), ECF No. 203.¹

2. On November 3, 2023, following briefing by the parties and oral argument, this Court issued its Memorandum Decision Denying Defendant's Motion to Dismiss (the "Memorandum Decision"), ECF No. 233.

3. On November 20, 2023, based on the Memorandum Decision, this Court entered its Order Denying Defendant Tensyr Ltd.'s Motion to Dismiss the Amended Complaint. ECF No. 239 (the "Motion to Dismiss Order").

4. Under Federal Rule of Bankruptcy Procedure ("Bankruptcy Rule") 8002(a)(1), the last day on which to file a notice of appeal from the Motion to Dismiss Order is 14 days after entry of the order, *i.e.*, on December 4, 2023.

5. Under Bankruptcy Rule 8002(d)(1), the Bankruptcy Court may extend the time to file a notice of appeal upon a party's motion that is filed within the time prescribed by Bankruptcy Rule 8002, *i.e.*, by December 4, 2023. Bankruptcy Rule 8002(d)(3) permits such an extension up to 21 days after the time prescribed by Bankruptcy Rule 8002(a)(1).

6. Pursuant to Bankruptcy Rules 8002(d)(1) and 8002(a)(1), Defendant seeks an extension of time to file its notice of appeal to December 26, 2023.

7. The Trustee consents to Defendant's request to extend its time to appeal to December 26, 2023.

¹ Unless otherwise indicated, all ECF references herein refer to the above-captioned adversary proceeding, *Picard v. Natixis S.A.*, Adv. Pro. No. 10-05353 (CGM) (Bankr. S.D.N.Y.).

8. No previous motion for an extension of time to file such notice of appeal has been made.

IT IS THEREFORE STIPULATED THAT:

1. For purposes of Bankruptcy Rule 8002(d), this Stipulation and Order shall be deemed a motion by Defendant for extension of time (the “Motion for Extension”) for filing (a) a notice of appeal of the Motion to Dismiss Order and (b) a motion for leave to appeal in accordance with Bankruptcy Rules 8002(a)(1) and 8004(a) (collectively, the “Required Filings”), through and including December 26, 2023.

2. The Trustee consents to Defendant’s Motion for Extension, and this Court hereby grants it pursuant to Bankruptcy Rule 8002(d).

3. If Defendant moves for leave to appeal the Motion to Dismiss Order, Defendant shall make the Required Filings by December 26, 2023.

4. If Defendant moves for leave to appeal the Motion to Dismiss Order, Defendant consents to any request by the Trustee to the District Court for an extension of time up to 21 days to oppose such motion.

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Dated: November 27, 2023
New York, New York

By: /s/ Joanna F. Wasick

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By: /s/ David Y. Livshiz

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Attorney for Defendant Tensyr Limited

SO ORDERED.

**Dated: November 30, 2023
Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris
U.S. Bankruptcy Judge**